

COMMISSIONERS MEETING

June 7, 2023

YORK,ss

At a regular meeting of the County Commissioners of the County of York, begun and holden at the York County Government Building in Alfred, within and for the County of York, being held on Wednesday, June 7, 2023, A. D. at 5:00 P. M.

COMMISSIONERS PRESENT:

Richard R. Dutremble
Richard Clark
Robert Andrews
Justin Chenette
Donna Ring

County Manager Gregory Zinser and Deputy County Manager Linda Corliss were present at the meeting.

YOU ARE INVITED TO RISE AND SALUTE THE FLAG OF THE UNITED STATES

Vice- Chairperson Chenette began the meeting as Commission Chairperson Dutremble had not yet arrived.

06-07-2023

ITEM

1 PUBLIC COMMENT(S) ON ANY ITEM(S)

Susan Wiswell from Kittery spoke in favor of Tammy Wells as the media specialist.

She then voiced that she is against item 5d (Budget Committee update-general discussion of budgeting increase to address homelessness) and stated that she believed it is the wrong time for the county to take on another large project among other reasons.

Susan Wiswell stated that she is also against agenda item 5e (Pride Month Proclamation).

2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

- a. Commissioners' regular meeting of May 17, 2023
Commissioner Clark motioned to approve the minutes. Commissioner Andrews seconded the motion. Vote- Commissioners Clark, Ring and Andrews voted yes with Commissioner Chenette abstaining as he was not present at the last meeting.

3 TO APPROVE TREASURER'S WARRANTS

- a. Warrants to be approved on May 17, 2023, in the amount of \$412,710.96

Commissioner Clark motioned to approve the warrant. Commissioner Andrews seconded the motion. Vote 4-0.

b. Warrants to be approved on May 24, 2023, in the amount of \$411,386.38
Commissioner Clark motioned to approve the warrant. Commissioner Andrews seconded the motion. Vote 4-0.

c. Warrants to be approved on May 31, 2023, in the amount of \$328,881.93
Commissioner Clark motioned to approve the minutes. Commissioner Andrews seconded the motion.

DISCUSSION: Commissioner Ring asked if we approve the warrants, does that close it out for us?

County Manager Zinser replied that yes, it does but you can ask questions.
Vote 4-0.

4 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS

Commissioner Chenette mentioned that Southern Maine Planning and Development Commissioner will hold its 58th Annual Meeting and the Commissioners are invited. Maine State Economist Amanda Rector will be the speaker.

5 NEW BUSINESS

******HEARD AFTER AGENDA ITEM 5c******

a. Willey v. Town of Berwick Tax Abatement Denial Appeal Hearing

Commissioner Clark recommended that the Commissioners take items out of order as Commissioner Dutremble is not yet at the meeting and that it is more appropriate to have a full board for this matter.

Commissioner Clark motioned to table this item and go on to 5b. Commissioner Andrews seconded the motion. Vote 4-0.

County Manager Zinser swears John Willey in. The County Manager informed Mr. Willey that the Commissioners are aware of his request and have received his information.

Mr. Willey explained that he went to his insurance company for renewal on his homeowner's policy and was told by them that they had to change his policy as he had added an extra kitchen and in-law apartment. He told them that was incorrect, and they showed him on the town of Berwick's website that it shows as added in 2021. Mr. Willey then went to town office and a gentleman (from the Town of Berwick) went out and inspected his house and saw that there had been no changes and told him that they had made a mistake and there was another neighbor that had done this (added an in-law apartment to include a kitchen).

Mr. Willey continued that he asked for a rebate for those 2 years. The Board at the (town) Hearing approved the second year and stated that they could do three years but that they never have so they would be setting a precedent.

John Willey stated that he did get a reimbursement for one year from the town but that he is looking for that second year as he was taxed on something he did not have.

Commissioner Ring asked Mr. Willey did he not notice the tax increase?

John Willey responded that he did not notice but had it gone up \$3,000, he would have noticed. The taxes have fluctuated, and he added that it is unfair that he should pay for something he does not have. He continued that he wouldn't have noticed unless he had gone to his insurance company.

Berwick Town Manager James Bellissimo was sworn in by County Manager Zinser. Berwick Manager Bellissimo stated that he doesn't disagree with anything John (Willey) said. He asked for a dismissal citing state statute 36 MRSA § 841 that states the appeal is an untimely request. The request is for the April 2021 tax year. Therefore, stated Berwick Town Manager James Bellissimo the Board doesn't have authority to give the abatement. Commissioner Chenette questioned since the town is admitting to the mistake, why not pay up for mistake? Town Manager Bellissimo replied that they would be opening up a flood gate of liability and more importantly they are following State law. Commissioner Chenette replied that the selectboard can go back three years. He asked Mr. Bellissimo if he anticipated a lot of mistakes. Town Manager Bellissimo responded that it goes back to 36 M.R.S.A. § 841. The request is beyond 185 days. Commissioner Chenette asked Berwick Town Manager Bellissimo if he knew what percentage of that (Willey abatement request) is your budget? Town Manager Bellissimo replied that their budget is about \$19 million. He added that he was here last year for a similar appeal and that there are instances where it is appropriate to grant abatements. Commissioner Ring clarified that this was an error not a miscalculation. Commissioner Clark motioned that we grant the abatement for the year (2022) in the amount of \$353.19. Commissioner Clark stated that it is his concern that Mr. Willey should not be responsible for a mistake the Town made. If it was a huge manufacturer, it would mess up the town's taxes, but this is a small amount of money. Commissioner Chenette seconded the motion. Vote 5-0.

Commissioner Clark explained to Mr. Willey that the Board will have Findings of Fact prepared and vote on them at the next meeting and then we will send it on to the Town (and to Mr. Willey).

- b. To review and seek approval of Media Specialist job description (reserve position)- County Manager Zinser explained that he would like the Commissioners to review and that he is then seeking their approval. He reminded the Board that this item has been discussed over the past few meetings. This person would be working with the Development Director and the person who does our online postings. Commissioner Ring stated that the job description states this person must have 5+ years of journalism experience. She asked if there is anything that is comparable to that? Deputy County Manager/H.R. Director Corliss replied someone who has worked for a newspaper. County Manager Zinser added someone who has done professional drafting to write articles. Commissioner Clark motioned to approve the job description. Commissioner Andrews seconded the motion. Vote 4-0.
- c. H.R. Director Corliss to seek approval of hiring/transfers of the following:

H.R. Director Corliss explained that she will present the names in order of seniority rather than how they are listed on the agenda so that the minutes show this.

Commissioner Ring asked what constitutes seniority?

H.R. Director Corliss replied that the ALERT test scores but since that is not being done the score for the interview is the alternate. This is the identified practice within their contract.

- i. Sarah Janes in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of May 22, 2023.
Commissioner Clark motioned to approve the hiring of Sarah Janes in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of May 22, 2023. Commissioner Andrews seconded the motion. Vote 4-0.
- ii. Mathew Sanborn in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of June 5, 2023
Commissioner Clark motioned to approve the hiring of Mathew Sanborn with an effective date of hire of June 5, 2023. Commissioner Andrews seconded the motion. Vote 4-0.
- iii. Justyn Winn in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of June 5, 2023
Commissioner Clark motioned to approve the hiring of Justyn Winn in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of June 5, 2023. Commissioner Andrews seconded the motion. Vote 4-0.
- iv. Nathan Burnell in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of June 12, 2023
Commissioner Clark motioned to approve the hiring of Nathan Burnell with an effective date of hire of June 12, 2023. Commissioner Andrews seconded the motion. Vote 4-0.
- v. Scott Lallas in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of June 12, 2023
Commissioner Clark motioned to approve the hiring of Scott Lallas in the position of full-time Corrections Officer in the Sheriff's Office with a start date of June 12, 2023. Commissioner Andrews seconded the motion. Vote 4-0.
- vi. Joao Moniz in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of June 30, 2023
Commissioner Clark motioned to approve the hiring of Joao Moniz in the position of full-time corrections officer in the Sheriff's Office with an effective date of hire of June 30, 2023. Commissioner Andrews seconded the motion. Vote 4-0.
- vii. Ethan Kenney in the position of reserve corrections officer in the Sheriff's Office with an effective date of hire of June 5, 2023
Commissioner Clark motioned to approve the hiring of Ethan Kennedy in the position of reserve corrections officer in the Sheriff's office with an effective date of hire of June 5, 2023. Commissioner Andrews seconded the motion. Vote 4-0.
- viii. Joshua Gosselin in the position of full-time corrections officer in the Sheriff's office with an effective date of hire of June 26, 2023

- Commissioner Clark motioned to approve the hiring of Joshua Gosselin in the position of full-time corrections officer with an effective date of hire of June 26, 2023. Commissioner Andrews seconded the motion. Vote 4-0.
- ix. David Small in the position of reserve DAR III in EMA with an effective date of hire of June 12, 2023.
Commissioner Clark motioned to approve the hiring of David Small in the position of reserve DAR III in EMA with an effective date of hire of June 12, 2023. Commissioner Andrews second. Vote 4-0.
- x. To waive hiring formalities and hire Tammy Wells in the reserve position of Media Specialist with an effective hire date of August 14, 2023 (see memo) H.R. Director Linda Corliss addressed the Board to request a hiring waiver to waive the county's hiring policy and make a direct hire. Tammy Wells has a long, distinguished career and long-term relationship with the county. Commissioner Ring stated that she has some concerns and questions. We have hiring practices and procedures, so she stated that she is curious as to why we feel the need to not follow that and put in for a waiver. How many times have we waived the policy and what is the hurry to do so? Commissioner Ring stated that it concerned her that the path that we are taking to make exceptions to our rules, and it opens up a lot of cans of worms.

Commissioner Dutremble arrived at the meeting and took over as Chairperson of the meeting.

H.R. Director Corliss responded to Commissioner Ring's concerns and stated that it is a reserve position, and we know this person is more than qualified for this position.

County Manager Zinser added that it is a matter of convenience.

Commissioner Ring asked if it was a set number of hours.

County Manager Zinser replied, no and if we want another waiver we have to come back and ask for another waiver.

Commissioner Clark asked if you were to follow the regular procedure how long would that take?

H.R. Director Corliss replied that it would take probably another month and a half.

Commissioner Clark motioned to waive the requirements and allow this position to be filled. Commissioner Andrews seconded the motion.

Vote 4-1 with Commissioner Ring opposed. She added that her opposition had nothing to do with the individual.

Commissioner Clark motioned to approve the hiring of Tammy Wells in the position of reserve Media Specialist with an effective date of hire of August 14, 2023. Commissioner Andrews seconded the motion. Vote 5-0.

H.R. Director Corliss gave an update on corrections officers and stated that there are currently forty corrections officers and with the hiring of the seven tonight that brings us to forty-seven. She added that there are six to eight people in the final stages (of the hiring process) and another two or three in the beginning phase. H.R. Director Corliss informed all that it looks like there could potentially be fifteen candidates going to the MCJA .

Commissioner Clark moved that the Commissioners return to the regular agenda- item 5A now that Commissioner Dutremble has arrived.

Commissioner Andrews seconded the motion. Vote 5-0.

- d. Budget Committee update-general discussion of budgeting increase to address homelessness- County Manager Zinser explained this was discussed at the Budget Committee meeting brought up by Marc Lessard. He stated that this issue went beyond just the City of Biddeford. The County Manager continued that he also sent it off to the town managers.

County Manager Zinser informed the Board that the Budget Committee is taking the position that it sounds great and it is something they feel the need to address and that the homelessness issue is important and timely. They voted to add \$125,000 to the budget for this matter.

He asked if this is going to be acceptable to the Board as this is the budget that he believes will go to the them. Will you be rejecting this budget? he asked.

County Manager Zinser continued that he had a meeting with all the town managers and the general consensus was not to go down the road of the RFP that we have received. However, they asked that we do include it in the budget and look at what are actionable items. What is the root cause of the issue?

What is it that the governments can do? I, Sanford, Kennebunk and Southern Maine Planning and Development Commission agreed to develop an RFP and then engage with the District 1 Chiefs to get their feedback. The RFP would then be refined and brought back to the Town and City Managers' group for further refinement. They think there is a lot of value to it and they want to be involved every step of the way.

Commissioner Chenette asked County Manager Zinser if Biddeford approved their version for their municipality. County Manager Zinser responded that he did not believe so. The Budget Committee decided to vote it into the budget.

County Manager Zinser explained that if the money is voted in to the budget and if it doesn't get done, the money lapses into the budget or it takes on another form (another RFP).

Commissioner Ring asked how many towns (managers) were in the meeting?

County Manager Zinser responded about 10 out of 13 who have town managers.

Commissioner Ring stated that she was quite taken aback at the budget meeting. She added that as a Commissioner, she has never heard anything about this and they want this money put in the budget. It was not the proper way to handle it, she stated. Commissioner Ring added that she has not heard anything about it from any towns she represents that have homelessness as a problem. She stated that she doesn't think it is something that the county wants to get involved in at this point. We are not town government.

Commissioner Clark said that he was at the meeting when it was introduced and that he was also surprised. He stated that he is not in favor of rejecting the budget over \$125,000. We don't have to spend the \$. Ask the people who are pushing it to come in and present it and we go from there. I suspect that the Budget Committee will be amenable to another approach as long as something is done.

Commissioner Clark continued that we should allow the gentleman who brought it up to come in and bring those people with him or another approach we can take. He stated that he would support it. Commissioner Clark added that the Budget Committee has the power to represent their people. They are willing to tax their own people for this and they brought it forward. It will lapse into the county's general fund if it is not used for this project.

Commissioner Chenette stated that he does tend to agree with Commissioner Clark. We shouldn't rush to determine which company is doing what thing. A small fund for us to evaluate and have conversations with various people in the county to address homelessness makes sense. It is clear that towns are struggling with this issue as well as the State and the Federal Government. Commissioner Chenette added that he is also supportive of leaving the money in the budget. He added that it is important for this Board to think about these conversations at the county level.

Commissioner Dutremble stated that he attended the Budget Committee meeting and was surprised that it came up but it was also mentioned that people were initially against the recovery center and now are for it. He informed all that he will agree to this budget.

The County Manager stated that we will know next Monday. The Budget Committee has already approved the budget on their end. There is no formal acceptance on our end.

Commissioner Ring commented from her perspective that she is pleased to hear this conversation. It was out of the blue and she stated that she enjoyed hearing from the Board and having this discussion.

- d. Scheduling of tax abatement denial appeal (recommend date of July 12, 2023)
Commissioners are okay with holding the Hearing on July 12th.
- e. To review, discuss and possibly approve Pride Month Proclamation
Commissioner Chenette read the Proclamation that is attached as record to these minutes.
Commissioner Chenette then motioned to accept the Proclamation.
Commissioner Clark seconded the motion.
DISCUSSION- Commissioner Ring stated that while she appreciates the Proclamation brought forward and is in full support of equal rights for all, she does not believe it is equitable to provide a special Proclamation for a select few. She continued that we don't have special Proclamations for select races, etc. Commissioner Ring stated that everybody is equal and that she would be there for anyone who has been discriminated against.
Commissioner Andrews stated that although he has no animus, this subject is political and he does not believe the Board should not be involved. He added that he cannot support this as a Pastor.
Commissioner Chenette said that as a member of this community, this feels personal. He continued that there is nothing political about his existence as a human being and that this (Proclamation) is nothing more than decency. If we can honor dogs, we can honor this community. Commissioner Chenette stated that members of his community are engaged in violence every day. This Proclamation recognizes the diversity and dignity of this group.
Commissioner Clark addressed all and stated that we all stand up and salute the flag at every meeting that states, "Liberty and justice for all". Talk about freedom and equality is more of a goal than a reality, he continued. These folks have been treated very badly for 100s of years. They are who they are, continued Commissioner Clark and to say that this is somehow something special is wrong. They deserve respect and tolerance. Commissioner Clark referenced a comment made by a member of the public earlier stating this (Proclamation) would cause radical activism and stated that he is seventy one

and that has never happened to him. As long as you are not harming someone else, you have the freedom to be who you are.

Vote 3-2 with Commissioner Ring and Commissioner Andrews opposed.

- f. To review and seek approval of Dredge Storage Agreement with Saco County Manager Zinser informed all that we are ready to sign off and get the dredge here. At some point when the Dredge Authority becomes an entity, we would be entering into an agreement with those folks as well. Commissioner Ring asked, “aren’t we supposed to have a representative on this Board”?
- The County Manager replied that he will ask for a Board representative. Commissioner Chenette motioned that we approve dredge storage agreement. Andrews seconded.
- DISCUSSION: Commissioner Clark commented that he wants to make sure this is stored in a manner that preserves it. County Manager Zinser replied that was part of the discussion and that the care of the dredge is in the agreement. Commissioner Ring asked if we are paying for the insurance? Greg- part of the blanket insurance policy. Commissioner Chenette stated that this definitely needs to have county involvement. There is an associate membership and a full fledged Board member.
- Vote 5-0.

6 OLD BUSINESS

- a. Reminder of July meeting date changed to July 12th
County Manager Zinser stated that he would ask that the Commissioners consider holding a Special Meeting but it would be on a typical meeting night of June 21st.

Commissioner Clark motioned to hold a Special Commissioners’ meeting on June 21st. Commissioner Ring seconded the motion. Vote 5-0.

7 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL ISSUES PURSUANT TO 1 M.R.S.A. § 405 (6) (A), ACQUISITION OF REAL PROPERTY OR ECONOMIC DEVELOPMENT PURSUANT TO 1 M.R.S.A. § 405 (6) (C), LABOR NEGOTIATIONS PURSUANT TO 1 M.R.S.A. § 405 (6) (D) AND CONSULTATION WITH LEGAL COUNSEL PURSUANT TO 1 M.R.S.A. § 405 (6) (E), REVIEW OF CONFIDENTIAL RECORDS PURSUANT TO 1 M.R.S.A. § 405 (6) (F)

None

8 PUBLIC COMMENT(S) ON ANY ITEM(S)

None

9 ADJOURN

Commissioner Clark motioned to adjourn. Commissioner Andrews seconded the motion. Vote 5-0. Meeting adjourned at 6:20 p.m.